

Appeal Flyer
Child and Adult Care Food Program
Missouri Department of Health and Senior Services

Appeals of the Department of Health and Senior Services (DHSS) actions are conducted before an independent administrative hearing officer at the Missouri Department of Social Services-Division of Legal Services (DSS-DLS). The DLS main office can be reached at (573) 751-3229 (phone) and (573) 526-1484 (fax).

What can be appealed?

An institution may appeal any of the following actions the DHSS takes relating to its participation in the Child and Adult Care Food Program (CACFP) or claims for reimbursement [7 CFR § 226.6(k)(2)]:

- Denial of a new or renewing institution's application for participation.
- Denial of an application submitted by a sponsoring organization on behalf of a facility.
- Notice of proposed termination of an institution's agreement.
- Notice of proposed disqualification of a responsible principal or responsible individual.
- Suspension of an institution's participation in CACFP.
- Denial of an institution's application for start-up or expansion payments.
- Denial of a request for an advance payment.
- Recovery of all or part of an advance in excess of the claim for the applicable period.
- Denial of all or a part of an institution's claim for reimbursement (except for a denial based on a late submission under 7 CFR § 226.10(e)).
- Decision by the DHSS not to forward to the Food and Nutrition Services (FNS) an exception request by an institution for payment of a late claim, or a request for an upward adjustment to a claim.
- Demand for the remittance of an overpayment.
- Any other DHSS action affecting an institution's participation or its claim for reimbursement.

What cannot be appealed?

An institution cannot appeal any of the following actions [7 CFR § 226.6(k)(3)]:

- A decision by the FNS to deny an exception request by an institution for payment of a late claim, or for an upward adjustment to a claim.
- A determination that an institution is seriously deficient.
- A determination by the DHSS that the corrective action taken by an institution or by a responsible principal or individual does not completely and permanently correct a serious deficiency.
- Disqualification of an institution or a responsible principal or responsible individual, and the subsequent placement on DHSS' list and the National disqualified list (NDL).

- Termination of a participating institution's agreement, including termination of a participating institution's agreement based on the disqualification of the institution by another state agency or the FNS.
- A determination, by either the DHSS or by the FNS, that the corrective action taken by an institution or a responsible principal/individual is not adequate to warrant the removal of the institution or the responsible principal/individual from the NDL.
- The DHSS' refusal to consider an institution's application when either: 1) the institution or one of its principals is on the NDL list; or 2) the facility or one of its principals is on the NDL.

How can an institution appeal?

- Appeal requests must be in writing.
- An institution can either:
 - Fax the appeal request to 573-526-3679.
 - Mail the appeal request to:
Missouri Department of Health and Senior Services
Community Food and Nutrition Assistance
ATTN: CACFP Appeals
PO Box 570
Jefferson City, MO 65102
- The DHSS must receive the appeal request no more than 15 calendar days after the institution receives the notice of DHSS' action.

What must an institution include in its appeal request?

- The institution's name, telephone number, and mailing address.
- The name and title (printed or typed) of the institution's contact person/authorized representative (if applicable).
- The DHSS action(s) that the institution is appealing, the reason(s) the institution is appealing, and the action(s) the institution wants DHSS to take instead (i.e., the remedy the institution is seeking).
- Whether the institution is requesting an abbreviated administrative review or an administrative hearing, unless the action being appealed is one that must go through abbreviated review:
Abbreviated administrative review: a review of written documentation only.
 - In an abbreviated review, both the institution and DHSS submit written documentation for the hearing officer to consider when deciding the appeal.
 - An institution requesting a written review may choose to have an abbreviated administrative review even if it is entitled to a full, in-person hearing.
 - If the DHSS denies the institution's application or proposes to terminate an institution's CACFP participation based on any of the following reasons, the appeal must be an abbreviated administrative review:
 - Submission of false information on the application.
 - The institution or one of its principals or its facilities is on the NDL.
 - The institution or one of its principals or one of its facilities is ineligible to participate.

- The institution or one of its principals or one of its facilities has been convicted for any activity that indicates a lack of business integrity.
- To be considered by the hearing officer, the institution must submit all written documentation in support of its appeal to the hearing officer within 30 calendar days from the date the institution receives the DHSS' notice.
- An institution cannot request an in-person administrative hearing after the abbreviated administrative review has taken place.

Administrative hearing: an in-person hearing at which the institution and the DHSS submit verbal testimony and evidence.

- The DLS hearing officer can hold a hearing in addition to, or instead of, an abbreviated administrative review only if it qualifies for an administrative hearing and the institution requests a hearing in its appeal request.
- A copy of the notice from DHSS that outlines the actions the institution is appealing.

Additional information:

- The DHSS will send the institution a letter acknowledging receipt of the appeal request within 10 days of receiving the request.
- The DLS hearing officer will send the institution a letter giving the date, time, and location of the administrative hearing.
- If the institution fails to appear at the hearing, the institution waives the right to an in-person appearance before the DLS hearing officer unless the hearing officer agrees to reschedule the hearing.
- Under Missouri law, corporations and LLCs must be represented by an attorney. A non-attorney cannot file motions or briefs, make legal arguments, or examine witnesses.
- The DHSS will have legal counsel representation for both in-person hearings and abbreviated administrative reviews.
- The DLS hearing officer must make a decision within 60 days of either holding an administrative hearing or receiving the written documentation from the institution and DHSS.

Remember these deadlines:

- The DHSS must receive the institution's appeal request within 15 calendar days of the institution receiving notice of the DHSS' actions.
- The institution must submit any written documentation to the hearing officer within 30 calendar days of receiving the DHSS notice of action.

For more information: Call the DHSS at 800-733-6251.

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